

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 23-24299-CIV-MORENO

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

vs.

AMOR DE JESUS CORP.,
SWEET LIVING FACILITY, INC.,
JOSE MACHADO,
ZELMIRA QUINONEZ, and
AMINTA QUINONEZ,

Defendants.

PLAINTIFF'S STATEMENT OF CLAIM

Plaintiff, Maria Elena Chavez Letona, pursuant to the Court's Order entered on November 14, 2023 [ECF No. 8], files this Statement of Claim based on the information known to her and estimates as follows:

Preliminary Statement

This Statement of Claim is not be construed as a demand, nor as an exact quantification of her damages, but merely as a case management tool required by the Court. *See Calderon v. Baker Concrete Const., Inc.*, 771 F.3d 807, 811 (11th Cir. 2014) ("That document is an extra-Rules practice used by the district court for its convenience and to aid in case management. It does not have the status of a pleading and it is not an amendment under Rule 15 of the Federal Rules of Civil Procedure.")

Information Requested by the Court

1. Plaintiff does not have all of the time and pay records from her employment at this time, and so she must estimate the hours that worked, the pay that received for those hours, and the corresponding wages due.

2. Plaintiff prepared this Statement of Claim with the assistance of counsel.

Florida Minimum Wage Act Violation

3. Plaintiff estimates that she is owed **\$83,482.92 in minimum wages** due to her under the Florida Minimum Wage Act.

4. Plaintiff calculated the minimum wages owed to her under Florida law, based on her estimate, as follows:

Year	Min. Wage	Wage Paid	Fla. MW Difference	Days worked	Hours/Day	Fla. MW Owed
Jan. 1, 2020	\$8.56	\$4.53	\$4.03	132	17	\$9,043.32
Jan. 1, 2021	\$8.65	\$4.53	\$4.12	234	17	\$16,389.36
Sept. 30, 2021	\$10.00	\$4.53	\$5.47	312	17	\$29,012.88
Sept. 30, 2022	\$11.00	\$4.53	\$6.47	264	17	\$29,037.36

5. Plaintiff is claiming that she is owed minimum wages under Florida law for time worked **between January, 2020 and August 8, 2023.**

FLSA Minimum Wage Violation

6. Plaintiff estimates that she is owed **\$38,286.72 in minimum wages** due to her under the Fair Labor Standards Act.

7. Plaintiff calculated the minimum wages owed to her under Florida law, based on her estimate, as follows:

November 9, 2020 to August 8, 2023

\$7.25/hour FLSA MW - \$4.53/hour paid = \$2.72/hour FLSA MW Owed

\$2.72/hour FLSA MW Owed x 17 hours/day x 6 days/week = \$277.00 owed/week

\$277.44 owed/week x 138 weeks = **\$38,286.72 in FLSA MW Owed**

8. Plaintiff is claiming that she is owed minimum wages under Florida law for time worked **between November 9, 2020 and August 8, 2023.**

FLSA Overtime Wage Violation

9. Plaintiff estimates that she is owed **\$28,189.14** in **unpaid/underpaid overtime wages** calculated below based on imputed minimum wage:

MW Per Year	Weeks Worked	Min. Wage	OT Wage	OT Owed/Hr.	OT Hours Per Week	OT Wages Owed
2020 to	7	\$8.56	\$12.84	\$4.28	42	\$1,258.32
Jan. 1, 2021 to	37	\$8.65	\$12.98	\$4.33	42	\$6,728.82
Sept. 30, 2021	50	\$10.00	\$15.00	\$5.00	42	\$10,500.00
Sept. 30, 2022	42	\$11.00	\$16.50	\$5.50	42	\$9,702.00

10. Plaintiff is claiming that she is owed minimum wages under Florida law for time worked **between November 9, 2020, and August 8, 2023**

11. Plaintiff also seeks liquidated damages equal to the above unpaid/underpaid minimum and overtime wages owed to her under the FLSA, plus reasonable attorneys' fees and costs pursuant to 29 U.S.C. §216(b).

12. Plaintiff's Statement of Claim is based upon the information currently known and/or available.

13. Plaintiff reserves the right to amend this Statement of Claim based upon additional information provided by Defendants, through discovery, and/or as additional/different information becomes known.

14. This Statement of Claim does not include any computation of for damages other than those sought in the operative/pending Complaint and is subject to revision through the course of discovery and/or the amendment of the Complaint.

15. **Attorneys' Fees and Costs.** As of the filing of this document, Plaintiff has incurred the following attorneys' fees and costs:

Costs:	<u>\$ 544.20*</u>
*incomplete, as service on all Defendants not yet perfected	
Attorneys' Fees:	<u>\$3,758.50</u>
Brian H. Pollock, Esq. (\$500/hour x 3.5 hours)	<u>\$1,750.00</u>
Lunar Claire Alvey, Esq. (400.00/hour x 3.0 hours)	<u>\$1,200.00</u>
Steffany Sanguino (\$165.00/hour x 4.9 hours)	<u>\$ 808.50</u>
Grand Total:	<u>\$4,302.70</u>

The foregoing amounts are subject to increase commensurate with the expenditure of additional time, effort, and expense in this matter.

Respectfully submitted this November 28, 2023.

Brian H. Pollock, Esq.
Brian H. Pollock, Esq. (174742)
brian@fairlawattorney.com
FAIRLAW FIRM
135 San Lorenzo Ave
Suite 770
Coral Gables, FL 33146
Tel: 305.230.4884
Counsel for Plaintiff